

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Petitioner)	
)	
v.)	Civil Action No. <u>13-10213</u>
)	
JUAN CARLOS NAVARETTE-BELTRAN,)	
(Reg. No. 22420-057))	
Respondent)	

PETITION PURSUANT TO 18 U.S.C. § 4246 FOR A HEARING TO DETERMINE PRESENT
MENTAL CONDITION OF AN IMPRISONED PERSON DUE FOR RELEASE

The United States of America, at the request of J. Grondolsky, Warden of the Federal Medical Center (FMC) in Devens, Massachusetts, moves this Honorable Court for a hearing pursuant to 18 U.S.C. § 4246 to determine whether Respondent Juan Carlos Navarette-Beltran suffers from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. In support of its Petition, the United States states as follows:

1. Respondent is currently incarcerated at FMC Devens serving a seventy-one (71) month term of imprisonment for Illegal Reentry of an Aggravated Felon, for which his Projected Release Date is February 6, 2013.

2. Pursuant to 18 U.S.C. § 4246(a), “[a] certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in [§ 4246].”

3. Respondent has been examined by Dr. Shawn Channell, Ph.D., a Forensic Psychologist at FMC Devens. In Dr. Channell’s opinion, Respondent suffers from a mental disease or defect as a result of which his release from custody would create a substantial risk of

bodily injury to another person or serious damage to the property of another. A copy of Respondent's Risk Assessment Report is attached as **Exhibit A** to the Memorandum in support of this Petition; a copy of the Certificate of Dangerousness Due to Mental Disease or Defect executed by FMC Devens Warden J. Grondolsky is attached as **Exhibit B** to the Memorandum. Furthermore, at the present time, suitable arrangements for state custody and care of Respondent have not been located. A copy of the Request to the Interstate Compact Coordinator (ICC) to the State of North Carolina is attached as **Exhibit C** to the Memorandum.¹

4. Based on the above information, the United States believes that there is clear and convincing evidence that Respondent is suffering from a mental disease or defect which would create a substantial risk of bodily injury to another person or serious damage to the property of another should he be released on February 6, 2013.

WHEREFORE, the United States moves this Court pursuant to 18 U.S.C. § 4246:

(1) to set a time and date for a hearing to determine the present mental condition of Respondent;

(2) for an order finding that Respondent continues to suffer from a mental disease or defect; and

(3) for an order committing Respondent to the custody of the Attorney General for continued hospitalization and treatment until suitable state placement may be found or until Respondent's release no longer constitutes a substantial risk of bodily injury to another person or serious damage to property of another, whichever is earlier.

¹ As of the date of this filing, FMC Devens had not received final written determination from the North Carolina ICC.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Jennifer A. Serafyn
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Dated: February 4, 2013

CERTIFICATE OF SERVICE

This is to certify that on this date a copy of the foregoing will be sent to Respondent's counsel at the following address:

William W. Fick, Esq.
Assistant Federal Defender
Federal Public Defender Office
51 Sleeper Street, 5th Floor
Boston, MA 02210

Dated: February 4, 2013

/s/ Jennifer A. Serafyn
Jennifer A. Serafyn
Assistant U.S. Attorney